

FILED 13 MAY '24 10:38 USD-ORP

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Portland DIVISION

Menphrey McGee

(Enter full name of plaintiff)

Plaintiff,

v.

Civil Case No. 2:24-cv-00254-AN
(to be assigned by Clerk's Office)

COMPLAINT FOR VIOLATION OF CIVIL
RIGHTS (PRISONER COMPLAINT)

David Pedro, B. Kubesh,

Liza Emory, Tammy Clark

Jury Trial Demanded

☒ Yes

☐ No

(Enter full name of ALL defendant(s))

Defendant(s).

I. PARTIES

List your name, address, and telephone number below, and the same information for each defendant. Make sure that the defendant(s) listed below are identical to those contained in the caption of the complaint. Attach additional sheets of paper if necessary.

Plaintiff

Name: Menphrey McGee

Street Address: 2500 Westgate

City, State & Zip Code: Pendleton, OR 97801

Telephone No.: _____

Defendant No. 1 Name: David Pedro
Street Address: 2500 Westgate
City, State & Zip Code: Pendleton, OR 97801
Telephone No.: _____

Defendant No. 2 Name: B. Kubesh
Street Address: 2500 Westgate
City, State & Zip Code: Pendleton, OR 97801
Telephone No.: _____

Defendant No. 3 Name: Liza Emory
Street Address: 2500 Westgate
City, State & Zip Code: Pendleton, OR 97801
Telephone No.: _____

Defendant No. 4 Name: Tammi Clark
Street Address: 2500 Westgate
City, State & Zip Code: Pendleton, OR 97801
Telephone No.: _____

II. BASIS FOR JURISDICTION

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. You are bringing suit against (*check all that apply*):

- ☐ Federal officials (a *Bivens* claim)
- ☒ State or local officials (a § 1983 claim)

B. What federal constitutional, statutory, or treaty right(s) is/are at issue?

8th Amendment and 14th Amendment

III. STATEMENT OF CLAIMS

Claim I

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

David Pedro has allowed the Kitchen Staff to punish and stigmatize my mental health treatment. B. Kubesh is over the mental health department but fails to advocate for my access to mental health without punishment, and Liza Emory and Tammi Clark were responsible for jointly collaborating on my punishment on seeking treatment and firing me from my job for going to BHS. Anxiety and depression have resulted as fear of seeking further treatment.

Claim II

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

upon attending my scheduled call-out for mental health, I was recommended by a licensed mental health professional to take time

OFF OF WORK. I have PTSD, Bi-Polar, depression, anxiety and AD-HD, So in moments where I have episodes, it is best to step back and re-evaluate. I was Served a misconduct and Fired the next day by Liza Emory and Tammi Clark. The Lt. and Sgt. have to Sign OFF on the Security department to Support the decision to issue the misconduct. David Pedro is responsible for having Staff properly trained on dealing with issues involving mental health.

Claim III

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

My name was placed on a System accessible by All Staff here at EOCT and humiliated me for having been laid in for mental health treatment. Everybody who works here knew why I was written up and that I have mental health issues. The stigmatizing of my getting mental health treatment and grieving the issue has led to hostile treatment from friends of defendants who are staff here and exclusion from certain positions. Now I am in constant anxiety and fear of seeking mental health treatment in case of further humiliation and retaliation.

(If you have additional claims, describe them on another piece of paper, using the same outline.)

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

I have filed for administrative relief as to all claims in Section III and have concluded all administrative appeals available to me.

☒ Yes

☐ No

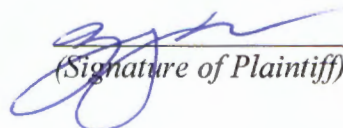
V. RELIEF

State briefly exactly what you want the court to do for you and the amount, if any, of monetary compensation you are seeking. Make no legal arguments. Cite no cases or statutes.

Impose Sanctions upon the parties responsible. Each party acted outside of the established law and should have no shield of immunity so should be personally accountable. Any relief this court deems just and proper is appropriate for me.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 8th day of May, 2024.


(Signature of Plaintiff)

Oregon Department of Corrections - AIC Mail

Institution: EOCI

Name Menphrey McGees ID 18089266

Address 2500 Westgate

City Pendleton State OR Zip 97801

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United States District Court
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Portland, OR 97204